

**KEN THERRIEN
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Attorney for Defendant
FERNANDO GUTIERREZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,)
Plaintiff,) NO. CR-03-0201-WFN
vs.)
FERNANDO GUTIERREZ,) MOTION TO DISMISS MULTPLICITOUS
Defendant.) INDICTMENT AND/OR REQUIRE
) ELECTION BY THE GOVERNMENT
)

COMES NOW, the defendant, Fernando Gutierrez, through his attorney, Ken Therrien, and moves the court for an order dismissing the multiplicitous Indictment and/or requiring election by the Government.

THIS MOTION is based upon the record and file in this cause and upon the legal authorities cited in the Memorandum in support of this motion.

DATED this 6th day of June, 2005.

s/ Ken Therrien
KEN THERRIEN, WSBA #20291
Attorney for Fernando Gutierrez

MOTION TO DISMISS MULTPLICITOUS
INDICTMENT AND/OR REQUIRE ELECTION
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I hereby certify under penalty of perjury of the laws of the State of Washington that on June 6, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: TOM HOPKINS, Assistant United States Attorney.

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9 /s/ Ken Therrien
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